

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Rondevoo Technologies, LLC, Plaintiff, v. Nokia Corporation, Nokia of America Corporation, and HMD Global Corporation, Defendant.	Case No. 1:19-cv-00595-MN Patent Case
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JOINT MOTION TO MODIFY ORDER OF DISMISSAL

Plaintiff Rondevoo Technologies, LLC (“Rondevoo”) and Defendant HMD Global Oy (“HMD”) respectfully jointly move the Court to modify Its June 20, 2019 Order of Dismissal (D.I. 5).

On June 19, 2019, Rondevoo unilaterally filed a Notice of Dismissal purporting to dismiss the captioned matter without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (D.I. 4.) That Notice, drafted by Rondevoo without the participation of HMD, stated that each party was to “bear its own costs, expenses, and attorneys’ fees.” (Id. at 1.) The Court so-ordered the Notice, including the above statement, on June 20, 2019. (D.I. 5.)

Rondevoo and HMD seek to clarify the above statement. Rondevoo and HMD have not settled this matter and HMD contests Rondevoo’s allegations. As Rondevoo and HMD had not agreed on an allocation of costs and fees at the time of Rondevoo’s unilateral dismissal, improperly including the above statement in the Notice to be so ordered by the Court precluded HMD from requesting its bill of costs as permitted under the Court’s Local Rules. See D. Del. LR 54.1(c) (defendant is the prevailing party upon a dismissal without judgment for the plaintiff

on the merits); D. Del. LR 54.1(b)(5) (a prevailing defendant's recoverable costs include inter alia the cost of patent file wrappers "taxable at the rate charged by the Patent Office").

In lieu of further motion practice, Rondevoo and HMD have conferred in good faith and Rondevoo has agreed to pay, within 1 week of the submission of this motion, HMD's costs for ordering the file wrapper for the patent-in-suit. A proposed order of dismissal under Rule 41(a)(2) is provided herewith. In view of Rondevoo's above clarification and prompt resolution of this matter, HMD represents that it will not pursue attorneys' fees or sanctions in this matter.

Dated: July 3, 2019

/s/ Timothy Devlin

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Respectfully submitted,

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